

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JERRY D. POUGH,

Petitioner,

v.

WILLIAM GITTERE, *et al.*,

Respondents.

Case No. 3:24-cv-00049-MMD-CSD

ORDER

Jerry D. Pough appears to have styled his *pro se* filing as a petition for writ of habeas corpus. (ECF No. 1-1.) His application to proceed *in forma pauperis* (ECF No. 1) is granted. The Court has reviewed the filing pursuant to Habeas Rule 4, and it suffers from various defects. First, it is not on the Court-required form for a habeas corpus petition, nor does it substantially follow the form. LSR 3-1. Further, Pough's allegations do not appear to state claims that sound in habeas corpus. His claims are not easy to discern, but he seems to seek to challenge his conditions of confinement. He alleges that he is suffering from a "fish parasite" in his stomach, that he has a "massive intestinal blockage," that his food is being poisoned, and that medical staff have refused or halted his prescriptions. (ECF No. 1-1 at 1-2.) While unclear, Pough's filing may implicate his civil rights under 28 U.S.C. § 1983.¹ But as he does not allege that his conviction or sentence violate his constitutional rights, he states no claims for which habeas relief may be granted. See 28 U.S.C. § 2254. The Court, therefore, dismisses this petition for failure to state claims for which habeas relief may be granted.

¹The Court notes that Pough has previously filed civil rights actions here and has been specifically advised as to how to draft a complaint pursuant to § 1983. See, e.g., 3:15-cv-00443-MMD-VPC, ECF No. 23 at 4-5.

1 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No.
2 1) is granted.

3 The Clerk of Court is directed to detach and file the petition (ECF No. 1-1).

4 It is further ordered that the petition is dismissed with prejudice for failure to state
5 a claim for which relief may be granted.

6 It is further ordered that a certificate of appealability will not issue.

7 The Clerk of Court is directed to enter judgment accordingly and close this case.

8 DATED THIS 26th day of February 2024.

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11 MIRANDA M. DU
12 CHIEF UNITED STATES DISTRICT JUDGE
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